

**4186. Misbranding of "Dr. Shoop's Diphtheria Remedy" and "Dr. Shoop's Preventics." U. S. v. Dr. Shoop's Laboratories, Inc. Plea of guilty. Fine, \$50. (F. & D. No. 6364. I. S. Nos. 6937-e, 9315-e.)**

On June 11, 1915, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Dr. Shoop's Laboratories (Inc.), a corporation, Racine, Wis., alleging shipment by the said company, in violation of the Food and Drugs Act, as amended:

(1) On or about November 1, 1912, from the State of Wisconsin into the State of Colorado, of a quantity of "Dr. Shoop's Diphtheria Remedy" which was misbranded. This article was labeled: (On bottle) "Dr. Shoop's Diphtheria Remedy For The Relief of Diphtheria, Catarrhal Sore Throat, Tonsillitis, Pharyngitis, And all Acute and Membranous Diseases of the Throat and Pharynx, indicated by smarting or burning of the throat, with soreness when swallowing. A remedy to remove white or gray patches of membrane from the throat usually found in Diphtheria or Catarrhal Throat Diseases. Directions: From 1 to 3 years, 2 to 5 drops; 3 to 5 years, 5 to 10 drops; 5 to 10 years,  $\frac{1}{2}$  teaspoonfull; over 10, teaspoonfull. Take every hour the first day, and two hours apart afterwards, Gargle the throat with equal parts of alcohol and water in severe cases. Where fever exists take Dr. Shoop's Preventics between doses of this remedy. 50 Cents. Prepared by Dr. C. I. Shoop, Racine, Wis." (On carton) "Dr. Shoop's Diphtheria Remedy For The Relief of Diphtheria, Catarrhal Sore Throat, Tonsillitis, Pharyngitis, And All Acute and Membranous Diseases of the Throat and Pharynx, indicated by smarting or burning of the throat, with a sense of soreness when swallowing, sometimes extending to the ears. A potent remedy to remove white or gray patches of membrane from the throat usually found in Diphtheria or Catarrhal Throat Diseases. Directions: From 1 to 3 years, 2 to 5 drops; 3 to 5 years, 5 to 10 drops; 5 to 10 years,  $\frac{1}{2}$  teaspoonful; over 10, teaspoonful. Take every hour the first day, and two hours apart afterwards. Gargle the throat with equal parts of alcohol and water in severe cases. Where fever exists take Dr. Shoop's preventics between doses of this remedy. 50 Cents Prepared by Dr. C. I. Shoop, Racine, Wis." (Same label in foreign languages on other sides.)

Analysis of a sample of this article by the Bureau of Chemistry of this department showed the preparation to consist of sugar sirup with a very small amount of a soluble chromate, glycerin, and salicylic acid.

Misbranding of this article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the labels aforesaid, to wit, "Dr. Shoop's Diphtheria Remedy For The Relief Of Diphtheria, \* \* \* all \* \* \* Membranous Diseases of the Throat \* \* \* A remedy to remove white or gray patches of membrane from the throat usually found in Diphtheria \* \* \* Where fever exists take Dr. Shoop's Preventics between doses of this remedy, \* \* \*" were false and fraudulent in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, for the relief of, and as a remedy for, diphtheria and all membranous diseases of the throat, when used alone, or where fever exists in the said diseases, when used in conjunction with "Dr. Shoop's Preventics," a medicinal preparation more fully referred to and described hereinafter; when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective, among other things, for the relief of, or as a remedy for,

diphtheria, or all membranous diseases of the throat, when used alone, or where fever exists in the said diseases, when used in conjunction with "Dr. Shoop's Preventics."

(2) On or about January 27, 1913, from the State of Wisconsin into the State of Minnesota, of a quantity of "Dr. Shoop's Preventics" which was misbranded. This article was labeled: (On box) "Dr. Shoop's Preventics Trade Mark Prevent Colds Check Fevers and La Grippe A preventive which usually intercepts a Cold, if promptly used as soon as Fever or sneezing begins. To stop a Cold at once, is to prevent Pneumonia. A valuable prescription for La Grippe, A quick check for fever, A prompt relief for Speakers' and Singers' hoarseness. Contains no quinine, no laxative, Nothing harsh or sickening. 48 Preventics 25 Cents. Four times in five when a Physician is called he finds a condition that calls for a remedy like Preventics. They prevent colds if taken as soon as the first symptom is noticed. They Check Colds by opening the pores and keeping them open, continuing gentle perspiration; also making the kidneys active. They check Fever resulting from colds, by relieving the blood congestion. They often relieve Teething Children by removing the blood congestion in the gums. This one remedy kept in the House may save half of your sickness. Directions:—Children under one year of age,  $\frac{1}{4}$  of a Preventic; from one to five years,  $\frac{1}{2}$  Preventic; from 5 to 12 years, one Preventic; adults, one to two Preventics, according to severity of case. Give doses from one to two hours apart. In severe cases a few doses may be given 30 minutes apart. Dissolve Preventics in the mouth like candy. For infants, Preventics may be crushed if necessary. Five advantages 1st—They usually bring immediate results. 2nd—Not harsh nor sickening; 3rd—Taste like Candy; 4th—Can be always in your pocket; 5th—Cost about  $\frac{1}{2}$  cent per dose From Dr. Shoop's Laboratories Racine, Wis."

Analysis of a sample of this article by said Bureau of Chemistry showed the product to be a tablet containing a small amount of unidentified vegetable extractive matter; alkaloids, mercury, acetanilid, caffeine, arsenic, and antimony were absent.

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the labels aforesaid, to wit, "Dr. Shoop's Preventics \* \* \* Prevents Colds Check Fevers and La Grippe A preventive which usually intercepts a Cold, if promptly used as soon as Fever or sneezing begins. To stop a Cold at once, is to prevent Pneumonia. A valuable prescription for La Grippe, A quick check for fever, \* \* \*. They prevent colds if taken as soon as the first symptom is noticed. They Check Colds by opening the pores and keeping them open, continuing gentle perspiration; also making the kidneys active. They check Fever resulting from colds, by relieving the blood congestion. \* \* \* This one remedy kept in the House may save half of your sickness," were false and fraudulent in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, as a preventive of colds, fevers, grippe, and pneumonia; when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a preventive of colds, fevers, grippe, or pneumonia.

On June 30, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

CARL VROOMAN, *Acting Secretary of Agriculture.*